

REMARKS

Claims 1, 7, 9, 14, 15, 26, 60–64, and 66 are pending in this application. Non-elected claim 26 has been withdrawn from consideration by the Examiner. By this Amendment, claims 1, 7, 14, 15, and 66 are amended, and claims 28–30, 36–38, 40–42, 45–47, 49–51, and 65 are canceled. Support for the amendments to the claims may be found, for example, in the claims and specification as originally filed. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 65 and 66 contain allowable subject matter. By this Amendment, claim 1 is amended to be commensurate in scope with claim 65 and in view of the Examiner's comments made in the paragraph bridging pages 13 and 14 of the Office Action, and claim 65 is canceled. Claim 66 is amended to depend from claim 1 instead of claim 65. Accordingly, Applicants respectfully submit that claims 1 and 66 are in condition for allowance.

II. Rejection under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1, 7, 14, 15, 28–30, 36–38, 45–47, 49–51, and 60–64 as indefinite under 35 U.S.C. §112, second paragraph. By this Amendment, claims 28–30, 36–38, 45–47, and 49–51 are canceled, rendering their rejection moot. The remaining claims are amended in light of the Examiner's comments. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 1, 7, 9, 14, 15, 28–30, 36–38, 45–47, 49–51, and 60–64 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. By this Amendment, claims 28–30, 36–38, 45–47, and 49–51 are canceled, rendering their rejection moot. The remaining claims are amended in light of the Examiner's comments. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1, 7, 14, 15, and 60 under 35 U.S.C. §102(b) as being anticipated by Boehringer Mannheim et al. (1994). In light of the amendments to the claims in response to the indefiniteness and written description rejections, Applicants respectfully submit that the rejection of claims 1, 7, 14, 15, and 60 over Boehringer Mannheim et al. is moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Rejoinder

Applicants also respectfully request rejoinder of non-elected method claim 26. Where product and process claims are presented in the same application, Applicants may be called upon under 35 U.S.C. §121 to elect claims to either the product or process. MPEP §821.04. However, in the case of an elected product claim, rejoinder will be permitted when a product

claim is found allowable and the withdrawn method claim depends from or otherwise includes all the limitations of an allowed product claim. *Id.* Because method claim 26 includes all the limitations of product claim 14, it must be rejoined when claim 14 is found allowable. Because claim 14 is believed to be allowable for at least the reasons presented above, Applicants respectfully request withdrawal of the Restriction Requirement and rejoinder of claim 26.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: September 29, 2008

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